

Attorney I.D. 6290970

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

VIRGIL SMITH, Individually, &)
ADAM SMITH, through his legal guardian,)
VIRGIL SMITH,)
Plaintiffs,)
vs.)
PHOENIX SEATING SYSTEMS, LLC)
d/b/a FALCON/LEBAC SYSTEMS, a)
limited liability corporation, and)
APRIA HEALTHCARE GROUP, INC.,)
a corporation,)
Defendants.)
and)
PHOENIX SEATING SYSTEMS, LLC)
d/b/a FALCON/LEBAC SYSTEMS, a)
limited liability corporation,)
Defendant/Third Party Plaintiff,) Case No. 09-568-GPM
vs.)
VELO ENTERPRISE CO., LTD.)
1012 Sec. 1 Chung Shan Road)
Tachia, Taichung Hsien, Taiwan)
P.O. Box 152 Tachia)
Third Party Defendant,)
and)
RATTOX CORPORATION)
No. 19, Lane 3, Alley 227, Nung-An St.)
Taipei, Taiwan)
P.O. Box 68-367)
Third Party Defendant.)

MOTION FOR LEAVE TO FILE RULE 26 DISCLOSURE OUT OF TIME

NOW COME the Third Party Defendants, VELO ENTERPRISE CO., LTD. and RATTOX CORPORATION, by and through their attorneys, SANCHEZ DANIELS & HOFFMAN LLP, and for their Motion for Leave to File Rule 26 Disclosure Out of Time states as follows:

1. On or about June 2, 2010, the Third Party Plaintiff, PHOENIX SEATING SYSTEMS, LLC, filed its Third Party Complaint against Third Party Defendants, VELO ENTERPRISE CO., LTD. and RATTOX CORPORATION.

2. Summons was subsequently issued and served upon the Third Party Defendants by mail on or about July 9, 2010.

3. The law firm of Sanchez Daniels & Hoffman LLP received this matter for the defense of the above named Third Party Defendants on or about August 2, 2010.

4. Third Party Defendants are Taiwanese corporations. Obtaining necessary information is somewhat hindered by the fact that individuals with relevant information reside outside of the United States.

5. Third Party Defendants request additional time to file their Rule 26 Disclosure.

WHEREFORE, the Third Party Defendants, VELO ENTERPRISE CO., LTD. and RATTOX CORPORATION, by and through their counsel, Joseph P. Sullivan and April A. Vesely of SANCHEZ DANIELS & HOFFMAN LLP, respectfully move this Court to enter an Order allowing said Third Party Defendants an additional 7 days within which to file their Rule 26 Disclosure.

Respectfully submitted,

SANCHEZ DANIELS & HOFFMAN LLP

s/April A. Vesely

Attorneys for Third Party Defendants,
VELO ENTERPRISE CO., LTD. and
RATTOX CORPORATION

Joseph P. Sullivan
April A. Vesely (ARDC: 6290970)
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limited liability corporation, and)
APRIA HEALTHCARE GROUP, INC.,)
a corporation,)
Defendants.)

CERTIFICATE OF SERVICE

To: **VIA ECF FILING**
Attorneys of Record

I hereby certify that I electronically filed this Certificate of Service and Motion for Leave to File Rule 26 Disclosure Out of Time for Third Party Defendants, VELO ENTERPRISE CO., LTD. and RATTOX CORPORATION via the ECF System and that a true and correct copy will be served electronically to all attorney(s) of record at or before 5:00 p.m. on September 21, 2010 and that this statement as set forth is true and correct.

s/April A. Vesely

April A. Vesely (ARDC: 6290970)
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Third Party Defendants
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